

REMARKS/ARGUMENTS

The Office Action mailed November 29, 2007 has been carefully reviewed. Claims 1-27 are pending in the present Application. For the reasons below, Applicants respectfully submit that the pending claims are novel and non-obvious over the cited prior art, and are thus in condition for allowance.

The Office Action, on page 2, rejected claims 1, 3, 4, 6, 15, 17, 20, and 25 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,065,359 to Chuah *et al.* ("Chuah").

Claim 1 includes, among other features, "(E) after performing (D), receiving a final channel burst from the first base station; and (F) in response to (E), performing the handover to the selected candidate cell and receiving a new channel burst from a selected candidate base station such that the handover occurs between the final channel burst and the new channel burst, wherein the selected candidate base station is serving the selected candidate cell." Chuah does not disclose this feature.

The Applicants respectfully submit that waiting until all data that has been forwarded to the old BTS 46 has been sent to the wireless unit 42 before switching to new BTS 50 to receive data, does not constitute "(E) after performing (D), receiving a final channel burst from the first base station." On page 6 of the Application, paragraph [29] sets forth: "Channel bursts are typically transmitted periodically by a base station. For example, a subsequent channel burst may occur T seconds after channel burst 209, which a channel burst is transmitted every T seconds." On page 13 of the Application, paragraph [43] sets forth: "If the wireless terminal determines to perform the handover, the wireless terminal waits to receive channel burst 1007. The wireless terminal then performs the handover during time internal 1053." The feature of "(E) after performing (D), receiving a final channel burst from the first base station; and (F) in response to (E), performing the handover to the selected candidate cell and receiving a new channel burst from a selected candidate base station" aids in preventing interruption during transmission, since the handover is timed after a final channel burst. Chuah does not disclose this feature. Chuah, therefore, does not anticipate claim 1 on this basis.

Additionally, in Chuah the decision to perform a handover and the execution of the handover appears to occur during a single time period between transmissions. Performing all of this within the limited time period may result in missed transmissions and interruptions in service.

The claim, however, requires “deciding to perform a handover to a selected candidate cell” in a separate time period than “receiving a final channel burst from the first base station.” Chuah, therefore, does not anticipate claim 1 on this basis, and the Office Action has not established a *prima facie* case of anticipation with respect to claim 1.

Since claims 3, 4, 6, 15, and 17 depend from claim 1, Applicant submits that claims 3, 4, 6, 15, and 17 are allowable for at least the same reasons above with respect to claim 1.

The Applicants submit that Chuah does not disclose, teach, or suggest claim 20. Claim 20 includes, among other features:

- (D) if a selected signal quality is acceptable, deciding to perform a handover to a selected candidate cell, wherein the selected candidate cell is a member of the list and wherein the selected signal quality corresponds to the selected candidate cell;
- (E) after performing (D), receiving a final channel burst from the first base station; and
- (F) in response to (E), performing the handover to the selected candidate cell and receiving a new channel burst from a selected candidate base station such that the handover occurs between the final channel burst and the new channel burst, wherein the selected candidate base station is serving the selected candidate cell.

For the same reasons stated above with respect to claim 1, Chuah does not disclose this feature. Chuah, therefore, does not anticipate claim 20 on this basis, and the Office Action has not established a *prima facie* case of anticipation with respect to claim 20.

Claim 25 includes, among other features,

a handover analysis module: configured to instruct the communications module to tune to said one of the plurality of base stations and instructs the measurement module to obtain corresponding signal quality information corresponding to said one of the plurality of base stations; configured to process the signal quality information to determine whether the handover to the selected base station is necessary; configured to instruct the communications module to receive a last channel burst from the first base station after the handover analysis module determines to perform the handover; and configured to instruct the communications module to tune to the selected base station and to receive the new channel burst from the selected candidate base station such that the handover occurs between the final channel burst and the new channel burst.

Chuah does not disclose this feature. Rather, in Chuah before the wireless unit 42 receives packets from the new BTS 50, the wireless unit 42 waits for an indication that the BTS 50 is ready to transmit packets or all data that has been forwarded to the old BTS 46 has been sent to the wireless unit. (Chuah, col. 5, ln. 41-46). Additionally, as stated above with respect to claim

1, nothing in Chuah is “configured to instruct the communications module to receive a last channel burst from the first base station after the handover analysis module determines to perform the handover; and [is] configured to instruct the communications module to tune to the selected base station and to receive the new channel burst from the selected candidate base station such that the handover occurs between the final channel burst and the new channel burst.” As stated above with respect to claim 1, Chuah is not concerned with timing a handover after a final channel burst. Chuah, therefore, does not anticipate claim 25 on this basis.

Claim Rejections Under 35 U.S.C. § 103

The Office Action rejected claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Chuah in view of U.S. Patent No. 6,154,652 to Park *et al.* (“Park”).

Since claim 2 depends from claim 1, Applicants submit that claim 2 is allowable for at least the same reasons above with respect to claim 1.

In addition, claim 2 includes “(i) if obtaining the measurements cannot be completed before receiving the final channel burst from the first base station, suspending obtaining the measurements; (ii) receiving another channel burst from the first base station; and (iii) in response to (ii), resuming obtaining the measurements.” The Office Action admits on page 5 that Chuah does not teach the above feature. The Applicants submit that Park does not cure the deficiencies of Chuah. Park does not disclose, teach, or suggest “(i) if obtaining the measurements cannot be completed before receiving the final channel burst from the first base station, suspending obtaining the measurements; (ii) receiving another channel burst from the first base station; and (iii) in response to (ii), resuming obtaining the measurements.” Park discloses, in a handoff method, upon the failure of detecting a signal from an adjacent base station, receiving data from the current base station for a following half cycle (T/2). (See Park, col. 3, ll. 10-23). This does not constitute the above feature, because it does not concern “suspending obtaining” measurements. Rather, Park merely suggests receiving data from a

current base station for a following half cycle. The Office Action, therefore, has not established a prima facie case of obviousness with respect to claim 2.

The Office Action rejected claims 5, 19, and 21 under 35 U.S.C. § 103(a) as being unpatentable over Chuah in view of U.S. Patent No. 5,513,246 to Jonsson *et al.* (“Jonsson”).

Since claims 5 and 19 depend from claim 1, Applicants submit that claims 5 and 19 are allowable for at least the same reasons above with respect to claim 1.

Since claim 21 depends from claim 20, Applicants submit that claim 21 is allowable for at least the same reasons above with respect to claim 20.

The Office Action rejected claims 7-9, 12-13, 22, and 24 under 35 U.S.C. § 103(a) as being unpatentable over Chuah in view of U.S. Patent No. 6,731,936 to Chen *et al.* (“Chen”).

Since claims 7-9 and 12-13 depend from claim 1, Applicants submit that claims 7-9 and 12-13 are allowable for at least the same reasons above with respect to claim 1.

Since claims 22 and 24 depend from claim 20, Applicants submit that claims 22 and 24 are allowable for at least the same reasons above with respect to claim 20.

The Office Action rejected claims 10, 11, 16, 18, 23, and 26 under 35 U.S.C. § 103(a) as being unpatentable over Chuah in view of U.S. Application No. 2003/0162535 to Niskiyama *et al.* (“Niskiyama”).

Since claims 10, 11, 16, and 18 depend from claim 1, Applicants submit that claims 10, 11, 16, and 18 are allowable for at least the same reasons above with respect to claim 1.

Since claim 23 depends from claim 20, Applicants submit that claim 23 is allowable for at least the same reasons above with respect to claim 20.

Since claim 26 depends from claim 25, Applicants submit that claim 26 is allowable for at least the same reasons above with respect to claim 25.

The Office Action rejected claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Chuah in view of U.S. Patent No. 6,366,568 to Bolgiano *et al.* ("Bolgiano").

Since claim 14 depends from claim 1, Applicants submit that claim 14 is allowable for at least the same reasons above with respect to claim 1.

The Office Action rejected claim 27 under 35 U.S.C. § 103(a) as being unpatentable over Chuah in view of Jonsson and in further in view of Chen.

The Applicants submit that neither Chuah, Jonsson, nor Chen disclose, teach, or suggest claim 27. Claim 27 includes, among other features:

(G) if the selected signal quality is acceptable, deciding to perform a handover to a selected candidate cell, wherein the selected candidate cell is a member of the list and wherein the selected signal quality corresponds to the selected candidate cell; (H) after performing (G), receiving a final channel burst from the first base station; and (I) in response to (H), performing the handover to the selected candidate cell and receiving a new channel burst from a selected candidate base station such that the handover occurs between the final channel burst and the new channel burst, wherein the selected candidate base station is serving the selected candidate cell and wherein the new channel burst supports the multicast service.

For the same reasons stated above with respect to claim 1, Chuah does not disclose this feature. Chuah, therefore, does not disclose, teach, or suggest claim 27 on this basis.

Nor do Jonsson or Chen cure the deficiencies of Chuah. There is no suggestion in Jonsson of "receiving a final channel burst from the first base station." (See generally Johsson, col. 10, ln. 19-29). Also there is no suggestion in Chen of "receiving a final channel burst from the first base station." Neither Chuah, Jonsson, nor Chen, therefore, alone or in combination disclose, teach or suggest "(H) after performing (G), receiving a final channel burst from the first base station; and (I) in response to (H), performing the handover to the selected candidate cell and receiving a new channel burst from a selected candidate base station such that the handover occurs between the final channel burst and the new channel burst, wherein the selected candidate base station is

serving the selected candidate cell and wherein the new channel burst supports the multicast service.” The Office Action, therefore, has not established a *prima facie* case of obviousness with respect to claim 27.

Conclusion

Applicants respectfully submit that the instant application is in condition for allowance. Should the Examiner believe that a conversation with Applicants' representative would be useful in the prosecution of this case, the Examiner is invited and encouraged to call Applicants' representative.

Respectfully submitted,

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